Criminal Misc. App. No. 787 of 2006
Hon. Prafulla C. Pant, J.

Heard Shri Nagesh Agarwal, learned counsel for the applicant.

By means of this petition, moved under Section 482 Cr.P.C., the petitioner has challenged the impugned order dated 28.04.2006, passed by the trial court in Sessions Trial No. 313 of 2003, whereby the Trial Judge, has allowed application to recall P.W.- 2 Rajeev Sharma, for re- examination on the request of the prosecution.

It is argued on behalf of the applicant that the said witness was already declared hostile and has been cross-examined by the prosecution.

After hearing learned counsel for the applicant and going through the papers on record, this Court is of the view that it is the factual satisfaction of the Trial Judge to exercise powers under Section 311 of Cr.P.C. to recall and re-examine the witness for just decision of the case being tried by him.

In the circumstances, this Court does not think it just and proper to interfere with the trial.

The petition is dismissed in limine. (All pending applications in this case, also stand disposed of).

(P. C. Pant, J.)

Dt.10.10.2006
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